

01



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/028,383	12/20/2001	Rohit Dewan	062891.0624	4868

5073 7590 04/21/2005

BAKER BOTTS L.L.P.  
2001 ROSS AVENUE  
SUITE 600  
DALLAS, TX 75201-2980

EXAMINER

NGUYEN, QUYNH H

ART UNIT	PAPER NUMBER
----------	--------------

2642

DATE MAILED: 04/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/028,383	<b>Applicant(s)</b> DEWAN, ROHIT	
	<b>Examiner</b> Quynh H Nguyen	<b>Art Unit</b> 2642	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 07 December 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>12/7/04</u> . | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

#### ***Response to Amendment***

2. Applicant's amendment filed on 12/7/04 has been entered. Claims 1, 3, 8, 10, 12, 15, 17, 21-22, 24-25, and 32 have been amended. No claims have been cancelled. No claims have been added. Claims 1-32 are still pending in this application, with claims 1, 8, 15, 21, 22, 25, and 32 being independent.

#### ***Claim Rejections - 35 USC § 103***

3. Claims 1-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Elazar (U.S. Patent 6,542,602) in view of Shaffer et al. (U.S. Patent 6,363,145).

Regarding claim 1, Elazar teaches a monitoring and recording system, said system comprising: a speech analyzer to monitor a conversation (Fig. 1, monitoring system 16) between a first caller (telephone calls from external telephonic network 12) and a second caller (Fig. 1, 14); a recording device (col. 7, lines 11-13 and col. 8, lines 59-62), said recording device recording the conversation (col. 2, lines 30-33); a controller (event manager 32), said controller determining whether a parameter of said conversation exceeds a threshold (col. 4, lines 26-30); a storage device (Fig. 1, 26), said storage device storing the conversation during the conversation (col. 5, lines 11-15

Art Unit: 2642

and col. 6, lines 65-66) and retaining the stored conversation after termination of the conversation if the parameter of the conversation exceeds the thresholds (col. 5, lines 15-18).

Elazar does not teach identifying a base value for the monitored signal characteristic, the base value representing a typical value for the monitored signal characteristic, and determining that the parameter of the conversation exceeds the threshold if a subsequent value for the signal characteristic is outside of the threshold range.

Shaffer et al. teach identifying a base value for the monitored signal characteristic (col. 2, lines 45-67), the base value defining a threshold range and determining that the parameter of the conversation exceeds the threshold if a subsequent value for the signal characteristic is outside of the threshold range (col. 4, lines 44-63).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the features of using typical values for a monitored signal characteristic to determine whether to monitor a call, as taught by Shaffer, in Elazar's monitoring system in order to detect any changes that exceeds predetermined threshold of typical values, notifying the supervisor, and recording the conversation whereby necessary improvements / appropriate corections can be made and customer's dissatisfaction and frustration can be reduced.

Regarding claims 2, 9, 16, 23, and 30, Elazar teaches the speech analyzer analyzes variations in at least one frequency of the conversation (col. 8, lines 4-7).

Regarding claims 3, 10, 17, 24, and 31, Elazar teaches the speech analyzer analyzes variations in amplitude of the conversation (col. 11, line 59 through col. 12, line 3), and Shaffer et al. also teach the speech analyzer analyzes variations in amplitude of the conversation (col. 4, lines 44-63).

Regarding claims 4, 5, and 11, Elazar does not detailing suggest the recording device / storage device comprises one of a hard drive, a tape recorder, random access memory, dynamic random access memory, flash memory, and a magnetic-optical drive. However, Elazar teaches a storage device (Fig. 1, 26) and a recording device (col. 7, lines 11-13 and col. 8, lines 59-62), said recording device recording the audio portion of a telephone call / conversation (col. 2, lines 30-33 and col. 4, lines 39-45). It would have been obvious or at least inherent that there exists at least a recording medium such as a tape record to record the audio conversation.

Regarding claims 6, 7, 13, 14, 28, and 29, Elazar teaches a telephone switch, a network hub (Fig. 1, 10 and 12) for routing the conversation the second caller.

Claims 8 and 21 are rejected for the same reasons as discussed above with respect to claim 1. Furthermore, Elazar teaches the recording device selectively storing at least on signal in response to the monitoring (col. 12, lines 23-33).

However, Elazar does not teach recording and selectively storing at least one signal in response to the controller determining that the parameter of at least one signal exceeds a threshold.

Shaffer et al. teach (col. 3, lines 32-43) that when the thresholds are exceeded, a notification sent and displayed on the supervisor terminal.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Shaffer's system so that when the thresholds are exceeded, beside sending the notification to the supervisor terminal, recording and selectively storing at least one signal and incorporate this feature into Elazar's system so that the recording device only record when the signal exceeds a threshold rather overloading the recording device with other not quite important information.

Regarding claim 12, Elazar teaches a controller triggering the recording to store at least one signal in response to the monitoring of the speech analyzer (col. 12, lines 21-33).

Claim 15 is rejected for the same reasons as discussed above with respect to claim 8. Furthermore, Shaffer et al. teach a notification device notify selectively sending a notification in response to the monitoring of the speech analyzer (col. 3, lines 34-53).

Regarding claim 18, Shaffer et al. teach a supervisor station receiving the notification sent by the notification device (col. 3, lines 40-43 and col. 5, lines 33-44).

Regarding claim 19, Elazar teaches the supervisor station comprises one of a general-purpose computer and telephone (Fig. 1, 18 and 24).

Regarding claim 20, Elazar teaches the notification device is part of the event manager comprises at least one of a general-purpose computer (col. 7, lines 28-34).

Claim 22 is rejected for the same reasons as discussed above with respect to claim 1. Furthermore, Elazar teaches receiving a conversation from a first caller (col. 8, lines 53-55).

Regarding claims 25 and 26, Elazar teaches receiving at least one signal (Fig. 3, 100 and 200); monitoring at least one signal based upon changes in at least one of frequency an amplitude of the at least one signal (col. 11, line 62 through col. 12, line 3); selecting sending a trigger in response to the monitoring (col. 12, lines 15-33).

Claim 27 is rejected for the same reasons as discussed above with respect to claim 15.

Claim 32 is rejected for the same reasons as discussed above with respect to claim 25. Furthermore, Elazar teach logic coded in a memory device to monitor and record speech signals and selectively store and notify in response to the monitoring (col. 12, lines 59-67).

### ***Response to Arguments***

4. Applicant's arguments with respect to claims 1-32 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Mukaihara et al. (U.S. Patent 5,854,825) teach method of controlling silent monitoring of a group.

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

Art Unit: 2642

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quynh H. Nguyen whose telephone number is 571-272-7489. The examiner can normally be reached on Monday - Thursday from 6:15 A.M. to 4:45 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar, can be reached on 571-272-7488. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.



Art Unit: 2642

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

qhn

Quynh H. Nguyen  
April 14, 2005

A handwritten signature in black ink, appearing to read 'Ahmad Matar', is positioned above the printed name and title.

AHMAD MATAR  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600